
60 East 42nd Street • Suite 4700 • New York, New York 10165
T: 212.792-0048 • E: Jason@levinepstein.com

May 29, 2024

Via Electronic Filing

The Hon. Cheryl L. Pollak, U.S.M.J.
U.S. District Court, Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Kociubinski v. NYC Health and Hospital Corp.*
Case No.: 1:22-cv-02865-ENV-CLP

Dear Honorable Judge Pollak:

This law firm represents Plaintiffs Renata Kociubinski, Penina Ben-Yosef, Yelena Mitrofanova and Jawwad Butt (collectively, the “Plaintiffs”) in the above-referenced action. This letter is submitted jointly with counsel for Defendant NYC Health and Hospital Corp. (d/b/a Coney Island Hospital) (the “Defendant”, or “H+H”).

Pursuant to Your Honor’s Individual Motion Practice Rules, and the directives in Your Honor’s April 16, Electronic Status Report Order, this joint letter respectfully serves to provide the Court with a status update in the above-referenced matter.

Between April 18, 2024 (*i.e.*, the filing of the most recent status letter [Dckt. No. 40]) and today, Plaintiffs’ counsel has emailed H+H’s counsel eight (8) separate times, to request the earliest available dates for the following witnesses’ depositions:

1. Toni Louis
2. Patricia Copes
3. Darren Collington
4. Leonid Mericov; and
5. Alena Oxten.

On May 22, 2024 counsel for H+H, Laura Williams, advised the undersigned that her colleague – attorney Matthew John – has been assigned to this matter, and that he would coordinate proposed dates and times for the depositions in the “earl[ier]” part of this week. As of the date of this filing, H+H has not proposed any deposition dates or times.

Plaintiffs respectfully ask that the Court set a date certain by which H+H confirm the earliest available dates of the five (5) witnesses’ depositions. The parties further respectfully ask that they be permitted to file a joint status letter with the Court on June 29, 2024 to apprise the Court on the status of the case.

We thank the Court for its attention to this matter, and are available at the Court’s convenience to answer any questions related to the foregoing.

LEVIN-EPSTEIN & ASSOCIATES, P.C.

By: /s/ Jason Mizrahi
Jason Mizrahi
60 East 42nd Street, Suite 4747
New York, NY 10170
Tel. No.: (212) 792-0048
Email: Jason@levinepstein.com
Attorneys for Plaintiffs